

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Applications of) MM Docket No. 91-10
)
WHITE BROADCASTING PARTNERSHIP) File No. BPH-891214MM
et al.)

For Construction Permit for a New FM Station
Station on Channel 289A in Baldwin, Florida

To: Hon. Edward Luton, Administrative Law Judge

AMENDMENT

The application of Peaches Broadcasting, Ltd. is hereby amended
to report that the following application has been designated for
hearing:

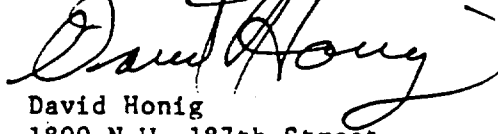
Rupert of East Baton Rouge Broadcasting L.P., File No.
BPH-881215NQ, MM Docket No. 90-634 (HDO released January
28, 1991)

Peaches' limited partner, United Communications, Inc. ("UCI")
is a limited partner holding a 75% equity interest in Rupert. Peaches
has no interest in Rupert.

I declare under penalty of perjury that the information stated
above is true. Executed 27 Feb 91.


Frederick Matthews

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David Honig".

David Honig
1800 N.W. 187th Street
Miami, Florida 33056
(305) 628-3600

Counsel for Peaches Broadcasting,
Ltd.

March 2, 1991

CERTIFICATE OF SERVICE

I, David Honig, this 2nd day of March, 1991, hereby certify that I have placed in U.S. First Class Mail, postage prepaid, a copy of the foregoing "Petition for Leave to Amend and Amendment" addressed to the following:

Hon. Edward Luton
Administrative Law Judge
Federal Communications
Commission
2000 L Street N.W.
Washington, D.C. 20554

Denise B. Moline, Esq.
McCabe & Allen
9105 Owens Dr.
Manassas Park, VA 22111
Counsel for White

Dennis Kelly, Esq.
Cordon & Kelly
1920 N St. N.W.
Washington, D.C. 20036
Counsel for First Coast

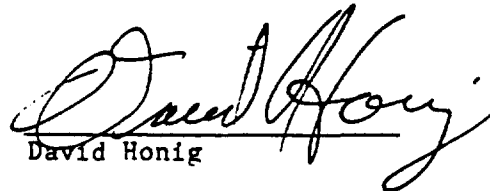
James L. Winston, Esq.
Rubin Winston & Diercks
1730 M St. N.W. #412
Washington, D.C. 20036
Counsel for Northeast

Charles Dziedzic, Esq.
FCC Hearing Branch
2025 M Street N.W. #7212
Washington, D.C. 20554

Allan G. Moskowitz, Esq.
Kaye Scholer et al.
901 15th St. N.W. #1100
Washington, D.C. 20005
Counsel for Sage

Arthur V. Belendiuk, Esq.
Smithwick & Belendiuk
2033 M Street N.W.
Washington, D.C. 20036
Counsel for Johnson

Joyce E. Morgan
2372 Pacific Silver Dr.
Jacksonville, FL 32216
Principal of JEM


David Honig

Before the
FEDERAL COMMUNICATIONS COMMISSION
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In re Applications of) MM Docket No. 91-10
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WHITE BROADCASTING PARTNERSHIP) File No. BPH-891214MM
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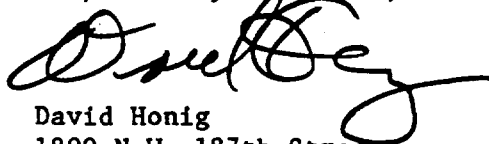
For Construction Permit for a New FM Station
Station on Channel 289A in Baldwin, Florida

To: Hon. Edward Luton, Administrative Law Judge

DECLARATION OF NO CONSIDERATION

Peaches Broadcasting, Ltd. ("Peaches"), by counsel and pursuant
to §73.3525(d) of the Commission's Rules, hereby submits its
Declaration of No Consideration in connection with the failures to
appear of the following applicants: Sage Broadcasting Corporation of
Jupiter, Florida; Northeast Florida Broadcasting Corp.

Respectfully submitted,



David Honig
1800 N.W. 187th Street
Miami, Florida 33056
(305) 628-3600

Counsel for Peaches Broadcasting, Ltd.


March 20, 1991

Declaration of No Consideration

I, Frederick Matthews, President of the General Partner of Peaches Broadcasting, Ltd. ("Peaches"), hereby certify that neither I nor anyone representing Peaches has received or been promised, nor have I or anyone representing Peaches paid or promised to pay any money or other thing of value in connection with the dismissals or failures to appear of the following applicants: Sage Broadcasting Corporation of Jupiter, Florida; Northeast Florida Broadcasting Corp.

I declare under penalty of perjury under the laws of the United States of America that the foregoing statement is true and correct.

Executed 16 March 91.


Frederick Matthews

CERTIFICATE OF SERVICE

I, David Honig, this 20 day of March, 1991, hereby certify that I have placed in U.S. First Class Mail, postage prepaid, a copy of the foregoing "Declaration of No Consideration" addressed to the following:

Hon. Edward Luton
Administrative Law Judge
Federal Communications
Commission
2000 L Street N.W.
Washington, D.C. 20554

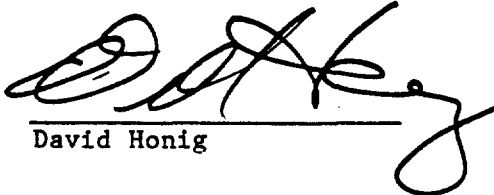
Charles Dziedzic, Esq.
FCC Hearing Branch
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Washington, D.C. 20554

Denise B. Moline, Esq.
McCabe & Allen
9105 Owens Dr.
Manassas Park, VA 22111
Counsel for White

Arthur V. Belendiuk, Esq.
Smithwick & Belendiuk
2033 M Street N.W.
Washington, D.C. 20036
Counsel for Johnson

James L. Winston, Esq.
Rubin Winston & Diercks
1730 M St. N.W. #412
Washington, D.C. 20036
Counsel for Northeast

Salvador Serrano, Esq.
P.O. Box 7371
McLean, VA 22106
Counsel for JEM



David Honig

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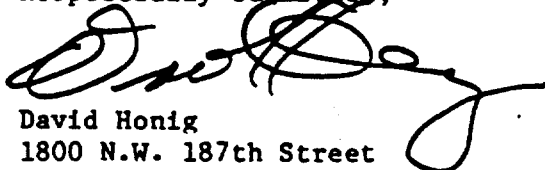
To: Hon. Edward Luton, Administrative Law Judge

PETITION FOR LEAVE TO AMEND AND AMENDMENT

Peaches Broadcasting, Ltd., by counsel, hereby petitions to
amend its application to report that Frederick Matthews, the President
of the applicant's General Partner, resigned March 12 as General
Manager of radio station WSVE-AM.

This amendment is submitted for \$1.65 purposes to keep the
application current. Accordingly, the attached Amendment should be
accepted and this Petition granted. See Erwin O'Conner
Broadcasting Co., 22 FCC2d 140, 143 (Rev. Bd. 1970).

Respectfully submitted,



David Honig
1800 N.W. 187th Street
Miami, Florida 33056
(305) 628-3600

Counsel for Peaches Broadcasting,
Ltd.

March 20, 1991

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Applications of

WHITE BROADCASTING PARTNERSHIP
et al.

) MM Docket No. 91-10
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) File No. BPH-891214MM
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For Construction Permit for a New FM Station
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To: Hon. Edward Luton, Administrative Law Judge

AMENDMENT

The application of Peaches Broadcasting, Ltd. is hereby amended to report that Peaches Broadcasting, Ltd., by counsel, hereby petitions to amend its application to report that Frederick Matthews, the President of the applicant's General Partner, resigned March 12 as General Manager of radio station WSVE-AM.

I declare under penalty of perjury that the information stated above is true to the best of my knowledge.

Executed 16 March 91.


Frederick Matthews

CERTIFICATE OF SERVICE

I, David Honig, this ____ day of March, 1991, hereby certify that I have placed in U.S. First Class Mail, postage prepaid, a copy of the foregoing "Petition for Leave to Amend and Amendment" addressed to the following:

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Counsel for White

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Salvador Serrano, Esq.
P.O. Box 7371
McLean, VA 22106
Counsel for JEM



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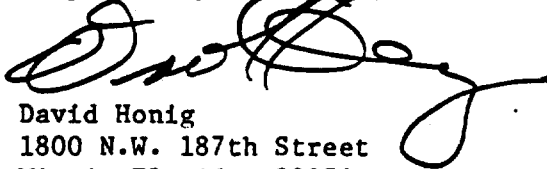
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This amendment is submitted for \$1.65 purposes to keep the application current. Accordingly, the attached Amendment should be accepted and this Petition granted. See Erwin O'Conner Broadcasting Co., 22 FCC2d 140, 143 (Rev. Bd. 1970).

Respectfully submitted,



David Honig
1800 N.W. 187th Street
Miami, Florida 33056
(305) 628-3600

Counsel for Peaches Broadcasting,
Ltd.

March 20, 1991

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I declare under penalty of perjury that the information stated above is true to the best of my knowledge.

Executed 16 March 91.


Frederick Matthews

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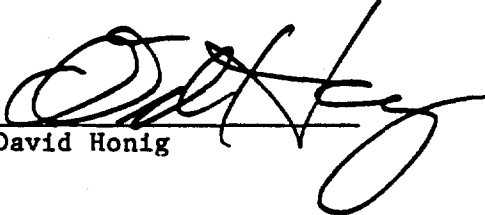
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Counsel for JEM



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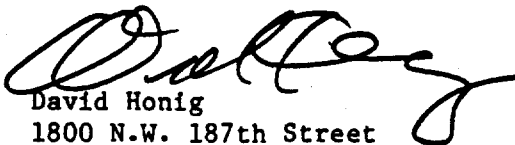
To: Hon. Edward Luton, Administrative Law Judge

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Peaches Broadcasting, Ltd., by counsel, hereby petitions to amend its application to report that Glenn Haydel, the secretary of its limited partner, United Communications, Inc., has a new home address as follows: 5532 Strawberry Hill Dr. #E, Charlotte, NC 28211. UCI's address remains unchanged. This amendment is submitted solely for \$1.65 purposes.

Accordingly, the attached Amendment should be accepted and this Petition granted. See Erwin O'Conner Broadcasting Co., 22 FCC2d 140, 143 (Rev. Bd. 1970).

Respectfully submitted,



David Honig
1800 N.W. 187th Street
Miami, Florida 33056
(305) 628-3600

Counsel for Peaches Broadcasting,
Ltd.

March 29 1991

Before the
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In re Applications of

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Executed 16 March 91.


Frederick Matthews

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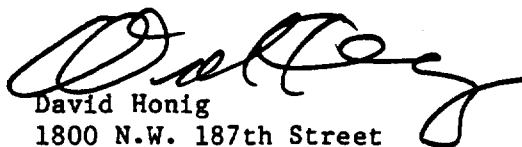
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Respectfully submitted,



David Honig
1800 N.W. 187th Street
Miami, Florida 33056
(305) 628-3600

Counsel for Peaches Broadcasting,
Ltd.

March 29 1991

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Applications of

) MM Docket No. 91-10

WHITE BROADCASTING PARTNERSHIP
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To: Hon. Edward Luton, Administrative Law Judge

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Washington, D.C. 20036
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McLean, VA 22106
Counsel for JEM


David Honig

Before the
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In re Applications of)	MM Docket No. 91-10
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WHITE BROADCASTING PARTNERSHIP)	File No. BPH-891214MM
<u>et al.</u>)	

For Construction Permit for a New FM Station
Station on Channel 289A in Baldwin, Florida

To: Hon. Edward Luton, Administrative Law Judge

**REPLY TO OPPOSITION TO CONTINGENT
MOTION FOR SUMMARY DECISION**

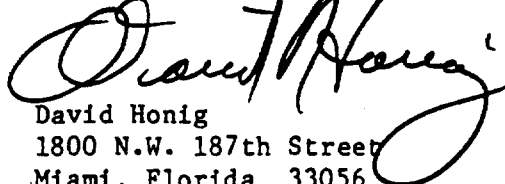
Peaches Broadcasting, Ltd. ("Peaches") hereby respectfully
replies to the Bureau's March 27 "Opposition to Contingent Motion for
Summary Decision."

The Bureau first notes that the language of the Commission's
standard EMI condition was not set out in the Motion. That language
appears on p. 2 of the Bureau's Opposition. To clarify this matter,
Peaches here explicitly represents that it accepts the EMI condition as
set out in the language appearing on p. 2 of the Bureau's Opposition.

The engineering showing attached to Peaches' Motion
demonstrated that electromagnetic interference would occur anywhere in
the area within which a transmitter could be located. As a predicate
to obtaining a formal FAA structural finding, Peaches understands that
the FAA must first be apprised that an applicant will accept an EMI
condition. Through inadvertence, Peaches apparently did not file the
Motion with the FAA, and consequently Peaches is serving the FAA today.

Consequently, Peaches requests that its Motion for Summary Decision be held in abeyance until such time as the FAA has had an opportunity to review it and manifest its acceptance of Peaches' proposal for structural purposes. If the FAA so manifests, Peaches' Motion for Summary Decision should be granted.

Respectfully submitted,


David Honig
1800 N.W. 187th Street
Miami, Florida 33056
(305) 628-3600

Counsel for Peaches Broadcasting, Ltd.

April 5, 1991

CERTIFICATE OF SERVICE

I, David Honig, this 5th day of April, 1991, hereby certify that I have placed in U.S. First Class Mail, postage prepaid, a copy of the foregoing "Reply to Opposition to Contingent Motion for Summary Decision" addressed to the following:

Hon. Edward Luton
Administrative Law Judge
Federal Communications
Commission
2000 L Street N.W.
Washington, D.C. 20554

Y. Paulette Laden, Esq.
FCC Hearing Branch
2025 M Street N.W. #7212
Washington, D.C. 20554

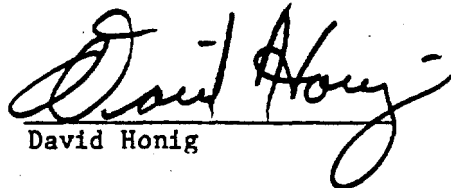
Denise B. Moline, Esq.
McCabe & Allen
9105 Owens Dr.
Manassas Park, VA 22111
Counsel for White

Office of the Chief Counsel
Federal Aviation Administration
800 Independence Ave. S.W.
Suite AGC-230
Washington, D.C. 20591

Arthur V. Belendiuk, Esq.
Smithwick & Belendiuk
2033 M Street N.W.
Washington, D.C. 20036
Counsel for Johnson

James L. Winston, Esq.
Rubin Winston & Diercks
1730 M St. N.W. #412
Washington, D.C. 20036
Counsel for Northeast

Avelino G. Halagao, Esq.
7799 Leesburg Pike #900
Falls Church, VA 22043
Counsel for JEM


David Honig

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Applications of) MM Docket No. 91-10
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WHITE BROADCASTING PARTNERSHIP) File No. BPH-891214MM
et al.)

For Construction Permit for a New FM Station
Station on Channel 289A in Baldwin, Florida

To: Hon. Edward Luton, Administrative Law Judge

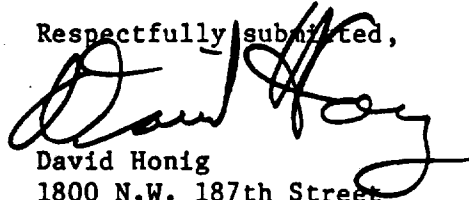
**SUPPLEMENT TO REPLY TO OPPOSITION TO
CONTINGENT MOTION FOR SUMMARY DECISION**

Peaches Broadcasting, Ltd. ("Peaches") hereby respectfully
supplements its April 5 Reply to the Bureau's March 27 "Opposition to
Contingent Motion for Summary Decision."

Peaches' Reply acknowledged that the FAA had not advised
Peaches that its proposed structure and location would be acceptable
under the obstruction standards of Part 77, Subpart C of the Federal
Aviation Regulations. Therefore, Peaches asked that its Motion "be
held in abeyance until such time as the FAA has had an opportunity to
review it and manifest its acceptance of Peaches' proposal for
structural purposes."

On April 9, Peaches received word that the FAA had determined
that Peaches' proposed structure would meet Part 77 obstruction
standards and was objectionable only because of EMI. See Letter of
Ronald T. Niklasson, April 5, 1991 (appended hereto). Therefore,
Peaches Motion for Summary Decision may now be granted.

Respectfully submitted,


David Honig
1800 N.W. 187th Street
Miami, Florida 33056
(305) 628-3600

Counsel for Peaches Broadcasting, Ltd.

April 10, 1991



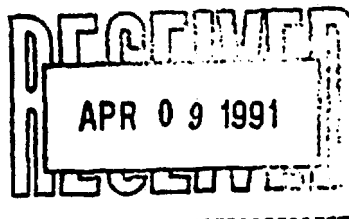
U.S. Department
of Transportation
Federal Aviation
Administration

Southern Region

P. O. Box 20638
Atlanta, Georgia 30320

April 5, 1991

PEACHES BROADCASTING, LTD.
c/o Mr. Fred Matthews
P. O. Box 12563
Jacksonville, Florida 32209



Dear Mr. Matthews:

This is in response to a request by Mr. Thomas Johnson regarding your proposed FM radio station near Stokesville, Georgia. Specific information is as follows:

AERONAUTICAL STUDY NUMBER	:	89-ASO-2584-OE
SPONSOR	:	Peaches Broadcasting, Ltd.
STRUCTURE	:	FM Antenna Tower (105.7mHz/GkW)
LOCATION	:	Stokesville, Georgia
LATITUDE/LONGITUDE	:	30°22'28"N./82°01'36"W.
HEIGHTS	:	348 feet AGL, 410 feet AMSL.

The preliminary review revealed a potential electromagnetic interference problem with respect to intermodulation interference with the Craig Airport and Jacksonville International Airport localizer facilities. The study also revealed that the tower would not exceed any obstruction standards set forth in Part 77, Subpart C, of the Federal Aviation Regulations. Therefore, if the intermodulation interference problem can be resolved a determination that the structure would not exceed obstruction standards could be issued.

Please let me know if you have any questions.

Sincerely,

RONALD T. NIKLASSON
Airspace Specialist
System Management Branch
Air Traffic Division

CERTIFICATE OF SERVICE

I, David Honig, this 10th day of April, 1991, hereby certify that I have placed in U.S. First Class Mail, postage prepaid, a copy of the foregoing "Supplement to Reply to Opposition to Contingent Motion for Summary Decision" addressed to the following:

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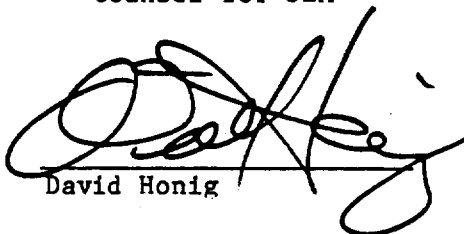
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7799 Leesburg Pike #900
Falls Church, VA 22043
Counsel for JEM



David Honig

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Applications of)	MM Docket No. 89-543
)	
Esteban Don Lizardo and Matt Franich)	File No. BPH-871109MF
d/b/a Lizardo-Franich Partnership)	
)	
<u>et al.</u>)	
)	
For Construction Permit for a New)	
FM Station on Channel 278A,)	
Sacramento, California)	

To: Hon. Edward Luton, Administrative Law Judge

PETITION FOR LEAVE TO AMEND AND AMENDMENT

Fahlda Broadcasting Company, A California Limited Partnership ("Fahlda") respectfully petitions to amend its application to report that the release of Eugene Walton, FCC 91D-8 (released March 1, 1991). One of the applicants in Walton, Novella Broadcasting Company, L.P. ("Novella"), shares with Fahlda the same limited partner, A.H.A.B. Family Trust. Although Novella was found basically qualified in Walton, its application was denied. While Fahlda does not believe it is required to report the Walton decision, it does so out of an abundance of caution in order to honor both the letter and spirit of §1.65 of the rules. Fahlda notes that Walton is not a final order. See 47 CFR §1.276(a)(1).

Acceptance of the amendment is appropriate under the good cause standard articulated in Erwin O'Conner Broadcasting Co., 22 FCC2d 140, 143 (Rev. Bd. 1970). No new issues or parties need to be added by virtue of the filing of the amendment, and no additional round of pleadings need result from acceptance of the amendment. Finally, no comparative advantage would derive from acceptance of the amendment.